

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. *Applicant/Contact name and address:* Trend Mining Co.
ATTN: Jim Ebisch
12108 N Forker Rd
Spokane, WA 99217
2. *Type of action:* Application for Beneficial Water Use 43C 30022657
3. *Water source name:* Nye Creek
4. *Location affected by project:* SE SE SW Section 23, Township 5 South, Range 15 East in Stillwater County
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*

Trend Mining is requesting a temporary water use permit in order to draw 8 GPM and a total of 3 AF per year from the Nye Creek. The proposal is to intermittently pump water out of the creek through a one inch poly pipe. The water will then be used for exploratory drilling for approximately one or two months over a one year period, when weather conditions permit. The complete term of this permit will be from August 15, 2006 to August 14, 2007. An identical temporary permit application was requested and granted to Trend Mining in the summer of 2005.

This is an area with potential resources that could be located and accessed to Trend Mining's benefit. All of the proposed work will be done under the Forest Service supervision, and only if the Forest Service grants the appropriate permits.

6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction)
Montana Natural Heritage Program
Montana Historic Preservation Office
Montana Department of Fish Wildlife & Parks (MFWP)
Montana Department of Environmental Quality (MDEQ)

Part II. Environmental Review**1. Environmental Impact Checklist:**

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Determination: The Nye Creek is not listed as chronically or periodically dewatered and has been reported to have a continuous flow of 30 GPM. There will be impacts on the source from this proposed use, but those impacts are not expected to be significant.

Water quality - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: The proposed use should have no significant impact on water quality issues in the area.

Groundwater - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: This proposed use of water should have no significant impact on groundwater quality or quantity in the area. All exploratory drilling will be done according to accepted practices and regulated by the US Forest Service and the Montana DEQ.

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: The diversion works will include a one inch poly pipe and utilize a gravity fed system temporarily placed in the stream. The proposed use may have some affect on the flow of this small stream during pumping. There will be minor impacts from the proposed diversion and operation, however those impacts are not expected to be significant or long lasting.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: The Montana Natural Heritage Program has identified the Lynx as the only threatened species or species of concern known to in the project area. The noise and commotion of this project may have some impact on the habitat of the Lynx. Though, this proposed activity will be similar to what is common experienced in that area.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: The project area is not within a wetland, so there should be no significant impacts to wetlands from this proposed use.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: There are no ponds included in the proposed project.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: This proposed use should not degrade soil quality or cause saline seep problems in the area.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: There will be some soil and vegetation disturbance during construction of the proposed project and there will be a possibility of some noxious weeds spread and establishment. It is expected that Trend Mining wash vehicles and equipment before entering the National Forest to control the spread of noxious weeds. It is also expected that the Trend Mining will employ practices that will minimize the disturbances of vegetation.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: There should be no deterioration of air quality or adverse effects on vegetation due to increased air pollutants from this proposed project.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

Determination: The Montana Historic Preservation Office did not identify any archeological or historic sites of record in the proposed project area. This proposed use of water is not expected to have any significant impact on any historical or archeological sites in the area.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: There should be no significant impacts on other environmental resources of land, energy, and water from this proposed use.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: This proposed use is not inconsistent with any locally adopted environmental plans and goals for Stillwater County and the Custer National Forest.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: This project may be unsightly and noisy to recreational users of the Custer National Forest. Other than the noise and unsightly equipment there should be few impacts on recreational or wilderness activities from this proposed activity.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: There should be no significant impact on human health from this proposed use.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes___ No X___ *If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

Determination: No significant impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impact
- (b) Local and state tax base and tax revenues? No significant impact
- (c) Existing land uses? No significant impact
- (d) Quantity and distribution of employment? No significant impact
- (e) Distribution and density of population and housing? No significant impact
- (f) Demands for government services? No significant impact
- (g) Industrial and commercial activity? No significant impact
- (h) Utilities? No significant impact
- (i) Transportation? No significant impact
- (j) Safety? No significant impact

(k) Other appropriate social and economic circumstances? No significant impact

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: The proposed project will occur during the peak recreation period for this part of the Custer National Forest. Every industrial activity that takes place on pristine land encourages an expectation that a similar or more extensive use of that land will be acceptable in the future. Continuous industrial activity on public lands also has a long term affect of diminishing the community perception of the natural landscape.

Cumulative Impacts: This water use is expected to have little negative impact on water users down stream.

3. *Describe any mitigation/stipulation measures:* The applicant is aware that he would be required to cease using water if the use of the water is adversely impacting the rights of downstream users.

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*

5. The proposed activity is reasonable, and is well within accepted practices for mineral exploration.

The no action alternative may force Trend Mining to truck the water they need for this activity on to the site. This would require more traffic, more vehicles, and equipment that may create more impacts on the environment.

PART III. Conclusion

1. *Preferred Alternative:* To issue the temporary permit and allow this project to continue is the preferred alternative.

2. *Comments and Responses:* None to report

3. *Finding:*
Yes___ No X Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant environmental impacts were identified. No EIS is required.

Name of person(s) responsible for preparation of EA:

Name: Tim Lewis

Title: Water Resources Specialist

Date: June 22, 2006